

**UNITED STATES DISTRICT COURT
For The Southern District Of New York**

COUNTER TERRORIST GROUP US,
COUNTERR GROUP, *and* J. K. IDEMA,
Plaintiffs,

v.

NEW YORK MAGAZINE;
NEWYORKMETRO.COM;
NEW YORK MAGAZINE HOLDINGS, LLC,
LAWRENCE C. BURSTEIN, *et al*,
Defendants.

ECF Case

Case # 07 CIV 9516 (DAB)

Assigned Judge:
Honorable Deborah A. Batts

AFFIDAVIT OF BROOKE MURPHY

I, Brooke Murphy, hereby make the following declaration with respect to the above-captioned matter, and state as follows:

1. My name is Brooke Murphy. I am self-employed as a civil investigator. On February 20th 2008, I began the process of serving all defendants located in New York with the summons, complaint, and discovery in the above captioned case.
2. Affiant checked with the New York Secretary of State and confirmed the address of the following defendants as 444 Madison Avenue , New York, NY (**Exhibit 1**- print out of Secretary of State information on New York Magazine Holdings LLC):
 1. Lawrence Burstein
 2. New York Magazine Holdings, LLC (succeeded by New York Media Holding LLC),
 3. New York Metro.Com
 4. Lawrence C. Burstein
3. Affiant also confirmed that no registered agent was listed by the Secretary of State for service (**Exhibit 1**); meaning that I could serve the companies at their

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regular listed place of business and also serve the individual at the place he works (his home in East Hampton, Long Island, and upon information and belief, was unoccupied).

4. After ~~travelling~~^{from} to 444 Madison Avenue, I was informed that these defendants had ~~recently~~ moved to Varick Street, Manhattan, New York. This information was obtained from the security guard at the former Madison Avenue address.
5. February 25, 2008 I traveled to 75 Varick Street Manhattan, NY 10013 for the purposes of serving a Federal Summons and Complaint on the following companies and individuals:
 1. Lawrence Burstein
 2. New York Magazine Holdings, LLC (succeeded by New York Media Holding LLC),
 3. New York Metro.Com
 4. Lawrence C. Burstein
6. The 75 Varick Street location is a 40+ story building with one apparent entrance. It is guarded by a private security force that had at least 10 officers in the lobby and apparently the only entrance to this building. The building encompasses nearly an entire city block and is completely secured on all sides. It has no apparent exits or entrances other than the guarded and electronically secured entrance used by me at 75 Varick Street.
7. Server requested information at the main desk in the lobby regarding all defendants and server was told that he must pass through a metal detector and proceed to the 4th floor to New York Magazines reception area.
8. Server was checked personally by two guards. These guards examined papers for service and finally allowed me to proceed to elevators after questioning me at length regarding my business in this building. Server/Affiant had explained to security force that my purpose was "to deliver papers to New York Magazine."
9. Server was finally allowed to proceed to a dedicated elevator to the 4th floor. Affiant/Server exited the elevator and saw a large set of 1-1/2"^{THICK} double glass doors that partitioned the entire hallway. The glass partition doors had New York Magazine's logo etched across the entire glass barrier. Approximately 20

- feet directly behind these doors I could see two individuals sitting behind a security desk; one female on the left, and one male on the right.
10. Server was buzzed inside. I stated to both guards that I had documents to deliver to Lawrence Burstein and the New York Magazine companies, at which point the male guard made an immediate telephone call to an unknown party. After speaking briefly to this party he hung up the telephone and told me to stand back against the wall and that someone would be out to speak with server.
 11. The reception area was completely controlled electronically by guards in the reception area. No one else was visible to anyone standing in this secured area.
 12. After waiting approximately five minutes a tall thin redheaded female, approximate age 35 to 40, appeared from the inner office area and approached me. This woman announced herself as Jocelyn Gottschalk and spelled her name for me. Ms. Gottschalk was extremely polite and I asked her what her position was in the New York Magazine company. She stated that she was the Administrative Assistant to the Chief Operating Officer of New York Magazine, a Kit Harrison, and had been asked to collect whatever documents I was delivering. I then asked Ms. Gottschalk what "Kit" was short for and she stated the COO's full name was Katherine Harrison.
 13. Server asked Ms. Gottschalk if she was authorized to accept service for Lawrence Burstein and the three New York Magazine defendants and Ms. Gottschalk responded that she was [✓] ~~their~~ attorney had been sent to get whatever it was that I was serving on them. *A NEW YORK MAGAZINE* *my*
 14. Ms. Gottschalk then stated, after looking at the summons and complaint, "We were waiting for this" and after looking at it more carefully, stated, "We already have a copy of this. This is the Idema matter, is it not?"
 15. Ms. Gottschalk requested photo identification from me and I presented my driver's license. Gottschalk looked my license and then at me to verify the photograph. She then wrote my name, address, and license number on summons and handed my license back. In Ms. Gottschalk's presence I signed and dated all service forms and handed Ms. Gottschalk a copy of each summons with each complaint.

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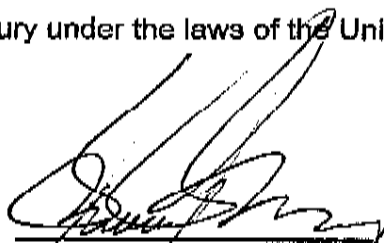
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16. Ms. Gottschalk thanked me as she took all four summons and complaints with her and exited the secured reception area back into main inside offices.
17. With the service of the summons and complaint accepted and completed, I then exited the reception compound, returned down the blind hallway to the elevators, took the elevator, out of the elevator server exited through an electronically controlled counting turnstile, returned to the entrance door and exited 75 Varick Street NYC, NY.
18. The following day I checked the New York Magazine website (<http://nymag.com/newyork/masthead/>), and did not find any Kathryn Harrison or Kit Harrison listed. I did find a "Kit Taylor" listed as the Chief Operating Officer under "Operations and Circulation." Having some concern for being give a fraudulent name, I called the New York Magazine off to confirm that no "Kit Harrison" existed. There was a "Kit Taylor" but there was NO Kit Harrison.

The foregoing facts are of my own personal knowledge and I could competently testify to them. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of March 2008.



Brookes Murphy
Newark, New Jersey

New York Secretary of State Search Record

Selected Entity Name: NEW YORK MAGAZINE HOLDINGS LLC

Selected Entity Status Information

Current Entity Name: NEW YORK MEDIA LLC

Initial DOS Filing Date: JANUARY 09, 2004

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

NEW YORK MEDIA LLC
444 MADISON AVENUE
NEW YORK, NEW YORK, 10022

Registered Agent

NONE

EXHIBIT 1